

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

NOV 1 2000

PATRICK FISHER
Clerk

LIMITED GAMING OF AMERICA,
INC.,

Plaintiff-Appellee,

v.

DORAN, WALTERS, ROST, SELTER
& WOLFE, sued as: Doran, Walters,
Rost, Selter & Wolfe, P.A.;
THEODORE R. DORAN,
Individually; LAWRENCE G.
WALTERS, Individually; SCOTT R.
ROST, Individually; AARON R.
WOLFE, Individually,

Defendants-Appellants.

No. 99-5241
(D.C. No. 98-CV-134-K)
(N.D. Okla.)

ORDER AND JUDGMENT *

Before **TACHA** , **EBEL** , and **LUCERO** , Circuit Judges.

Defendants-appellants appeal from the district court 's ruling denying their motion for sanctions against Limited Gaming of America, Inc. (LGA) pursuant to

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

Fed. R. Civ. P. 11, 28 U.S.C. § 1927, and the court's inherent powers. Our jurisdiction over this appeal arises from 28 U.S.C. § 1291.¹ On appeal, appellants do not challenge the district court's denial of Rule 11 sanctions, apparently abandoning that claim. *See State Farm Fire & Cas. Co. v. Mhoon*, 31 F.3d 979, 984 n.7 (10th Cir. 1994). This court reviews the district court's ruling on the motion for sanctions only for abuse of discretion. *See Martinez v. Roscoe*, 100 F.3d 121, 123 (10th Cir. 1996) (reviewing inherent powers to impose sanctions); *RTC v. Dabney*, 73 F.3d 262, 265 (10th Cir. 1995) (reviewing sanctions pursuant to § 1927).

After careful review of the record in light of appellants' arguments, the applicable law, and the deferential standard of review, we conclude that the district court's decision to deny the motion for sanctions was not an abuse of discretion. Further, we agree with LGA that appellants' arguments on appeal fail to challenge the legal or factual basis of the district court's decision in light of the standard of review. Appellants instead contend that the district court improperly and incorrectly weighed the evidence and the inferences to be drawn therefrom. In determining whether the district court abused its discretion, we do

¹ After examining the briefs and appellate record, this panel has determined unanimously to grant the parties' request for a decision on the briefs without oral argument. *See* Fed. R. App. P. 34(f); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

not reweigh the evidence, but determine only whether that court's decision was based on an erroneous view of the law or a clearly erroneous assessment of the evidence. *See FDIC v. United Pac. Ins. Co.* , 152 F.3d 1266, 1272 (10th Cir. 1998); *Barrett v. Tallon* , 30 F.3d 1296, 1302 (10th Cir. 1994).

The judgment is AFFIRMED.

Entered for the Court

Carlos F. Lucero
Circuit Judge